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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Civil Revision No. 3816 of 2007**

**Date of decision: 3.8.2007**

**Gurmukh Singh** **...Petitioner**

**Versus**

**Puran Chand** **...Respondent**

**CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL**

Present: Mr.Vinod Bhardwaj, Advocate for the petitioner.

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**RAJESH BINDAL, J.**

By filing the present revision petition under Article 227 of the Constitution of India, petitioner has prayed for setting aside the order dated June 1, 2007 passed by Civil Judge (Senior Division), Kaithal vide which application for recalling the evidence and for implementation of order of this Court dated August 18, 2006 passed in Civil Revision No. 4287 of 2006 filed by the petitioner earlier was rejected.

I have heard learned counsel for the petitioner and with his assistance perused the impugned order.

The defence of the petitioner in the present case was struck off by the trial Court vide order dated August 9, 2006. In revision petition against this order, this Court while accepting the prayer made by the petitioner directed that subject to payment of Rs. 3000/- as costs the trial Court will grant one week's time to the petitioner permitting him to produce his evidence at his own responsibility on the next date of hearing, which was fixed as September 4, 2006. It was further clarified in the order that in case the petitioner fails to make the payment of costs and produce his evidence as stipulated in the order, he will not be entitled to any further adjournment.

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As noticed by the trial Court that after passing of the order by this Court on August 18, 2006 petitioner appeared on August 23, 2006 and August 24, 2006 but did not pay the costs. Even on the next date of hearing i.e. September 4, 2006 petitioner neither paid the costs nor appeared for seeking one week's time to lead his evidence. In these circumstances, learned trial Court did not have any other option but to decree the suit on the next date fixed i.e. September 5, 2006. It is after the suit was decreed, petitioner moved an application for recalling the evidence and for implementation of order passed by this Court. In the facts and circumstances of the case, as noticed above, inspite of there being an order of this Court passed in the presence of counsel for the petitioner on August 18, 2006 permitting the petitioner to lead evidence within one week from the date fixed by the trial Court subject to payment of costs of Rs. 3000/- and the petitioner having not complied with the same, there was no occasion for the trial Court to have granted any further opportunity. Even otherwise learned counsel for the petitioner has not been able to satisfy this Court as to under what provision of law application for recalling the evidence and implementation of order of this Court is maintainable after passing of decree.

In view of the above, I do not find any merit in the present revision petition and the same is dismissed in limine.

**August 3, 2007** **(Rajesh Bindal)**
**Pka** **Judge**